IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.2031 OF 2002
WITH
CIVIL REVISION APPLICATION NO.2176 OF 2002

CIVIL REVISION APPLICATION NO.2031 OF 2002

Pandu Laxman More,)
residing at Bhambe, Tal. Patan,)
District - Satara.).. Applicant

Vs.

1. State of Maharashtra,)
Through the Collector,)
Satara.)

2. Special Land Acquisition)
Officer No.9, Satara.).. Respondents

CIVIL REVISION APPLICATION NO.2176 OF 2002

Jagannath Raghu Kate,)
residing at Bhambe, Tal. Patan,)
District - Satara.).. Applicant

Vs.

1. State of Maharashtra,)
Through the Collector,)
Satara.)

2. Special Land Acquisition)
Officer No.9, Satara.).. Respondents

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Shri Uday Warunjikar for the applicants/petitioners in both the applications.

Shri S.M.Gawade, AGP for the respondents in both the applications.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 15th OCTOBER, 2004.

ORAL JUDGMENT :

1. Heard the learned advocates for the parties. Rule. By consent, the rule is made returnable forthwith. Shri Gawade, the learned AGP waives service of the notice on behalf of the respondents.

2. Since common questions of law and facts arise in both the Civil Revision Applications, they were heard together, and are being disposed of by this common judgment.

3. In both these civil revision applications, the petitioners challenge the orders passed by the Collector, Satara, rejecting the applications under Section 18 of the Land Acquisition Act, 1894 on the ground that the references of the matter to the Court would virtually result in wastage of Court's time. It has been well settled by a number of judgments of the Apex Court as well as of this Court that the Collector of the Land Acquisition receiving application under

Section 18 of the Land Acquisition Act, 1894 has no jurisdiction to go into the merits of the case but he has merely to forward such application if the same is in compliance with the requirement of Section 18 of the said Act, that is to say that the application discloses to have been filed by the interested person, the same relates to the claim for enhancement or apportionment of the compensation or measurement of land and that the same is to be filed either within six weeks in case of service of the notice under Section 12(2) or within six months, in case no notice is served from the date of such award. The law in that regard was fully discussed in the decision in **Manjiri Ranganath Kulkarni v. State of Maharashtra,** reported in 2003(1) Mh.L.J. 93.

4. In fact, the Apex Court in **Mangat Ram Tanwar & Anr. v. Union of India,** reported in AIR 1991 SC 1080 had given the specific direction to the State that the application for reference to the Court when moved should be disposed of within three months from the date of filing of such application and in any case the period should not exceed six months from the date of the application. It is surprising that inspite of the specific direction which has been given by the Apex Court and the law in that regard having been explained

by number of decisions of the Apex Court as well as of this Court, the Collector still continues to refuse the applications under Section 18 of the said Act on flimsy grounds. As last opportunity to mend their ways, I hesitate to initiate any proceeding for contempt of Court against the defaulting authority; however, it would be difficult to condone any such acts henceforth if the authority fails to take appropriate notice of the decisions of the Apex Court and the High Court on the point in issue and continues to act in derogation of the orders of the Court.

5. In the result, the cases being fully covered by the decisions of this Court in **Manjiri Ranganath Kulkarni's case (supra)** as well as of the Apex Court in **Mangat Ram Tanwar's case (supra),** the impugned orders cannot be sustained and are liable to be quashed and set aside with a direction to the respondents to forward the applications to the Court in accordance with the provisions of Section 18 of the Land Acquisition Act, 1894. Necessary steps in that regard should be taken by the Competent Authority within a period of eight weeks from today. The rule is made absolute accordingly with no order as to costs.